

Order adopting this Stipulation.

2. Guiding Principles. The following guiding principles will govern all actions DNRC agrees to take under this stipulation: (A) DNRC agrees that any amended rule defining the term "combined appropriation" will be broader than and not be limited solely to wells or developed springs that are physically manifold or connected together; and (B) DNRC agrees that it will consider in amending the rule defining "combined appropriation" cumulative or collective impacts to the water resource (s) resulting from multiple, unconnected wells or developed springs that appropriate water from a single source aquifer and for a single project (the Parties recognize that the word "project" may need to be clarified, changed, and/or defined as part of the rulemaking process), to the extent it is within DNRC's authority.

3. Plaintiffs agree to participate in the DNRC's rulemaking process.

4. 2011 Legislature. The Parties recognize and agree that if the 2011 Montana Legislature adopts new legislation defining the term "combined appropriation" or removes the term from the Montana Water Use Act, before completion of new rulemaking as described herein, DNRC's obligations under this Stipulation will expire.

5. Dismissal. The Parties agree that this action shall be dismissed based upon the terms of this Stipulation. Any action to enforce this Stipulation or challenge a new, amended rule defining "combined appropriation" under §85-2-306(3)(a) would require a new and different action from the current petition for judicial review, record review in this case.

6. Nothing in this Stipulation shall constitute or be interpreted as an admission of fact or law by any Party.

7. This Stipulation shall be binding on, and inure to the benefit of, the Parties and their respective legal representatives, successors, and assigns. The undersigned representatives of each Party certify that they are fully authorized by the Party or Parties they represent to execute this Stipulation. This Stipulation includes and embodies the entire terms and